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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO |
|--|----------------|----------------------|-----------------------|-----------------|
| 09/874,930 | 06/05/2001 | Jiangfeng Wu | 47586/P052US/10103484 | 3515 |
| 29053 7 | 590 06/01/2005 | | EXAMINER | |
| DALLAS OFFICE OF FULBRIGHT & JAWORSKI L.L.P. | | | HSU, ALPUS | |
| 2200 ROSS AV SUITE 2800 | VENUE | | ART UNIT | PAPER NUMBER |
| DALLAS, TX 75201-2784 | | | 2665 | |

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) | _ |
|--|---|--|---|
| | 09/874,930 | WU ET AL. | |
| Office Action Summary | Examiner | Art Unit | |
| | Alpus H. Hsu | 2665 | |
| The MAILING DATE of this communication Period for Reply | on appears on the cover sheet wi | th the correspondence address | |
| A SHORTENED STATUTORY PERIOD FOR FITHE MAILING DATE OF THIS COMMUNICAT - Extensions of time may be available under the provisions of 37 of after SIX (6) MONTHS from the mailing date of this communicated. If the period for reply specified above is less than thirty (30) days. If NO period for reply specified above, the maximum statutory. Failure to reply within the set or extended period for reply will, by Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b). | ION. CFR 1.136(a). In no event, however, may a re- ion. s, a reply within the statutory minimum of thirt- period will apply and will expire SIX (6) MON' y statute, cause the application to become AB. | rply be timely filed r (30) days will be considered timely. IHS from the mailing date of this communication. ANDONED (35 U.S.C. § 133). | |
| Status | | | |
| 1) Responsive to communication(s) filed on | | | |
| | This action is non-final. | | |
| 3) Since this application is in condition for a closed in accordance with the practice ur | | • | |
| Disposition of Claims | | | |
| 4) ☐ Claim(s) 1-73 is/are pending in the application 4a) Of the above claim(s) 28-37 and 68-7 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) 1-27, 38-67 are subject to restrict | 3 is/are withdrawn from conside | | |
| Application Papers | | | |
| 9)☐ The specification is objected to by the Exa | aminer. | | |
| 10)☐ The drawing(s) filed on is/are: a)☐ |] accepted or b)☐ objected to b | y the Examiner. | |
| Applicant may not request that any objection | | • • | |
| Replacement drawing sheet(s) including the call 11) The oath or declaration is objected to by the call to be th | | | |
| Priority under 35 U.S.C. § 119 | | | |
| 12) Acknowledgment is made of a claim for for a) All b) Some * c) None of: 1. Certified copies of the priority docu 2. Certified copies of the priority docu 3. Copies of the certified copies of the application from the International B * See the attached detailed Office action for | ments have been received. ments have been received in Apericantly documents have been formation (PCT Rule 17.2(a)). | oplication No received in this National Stage | |
| Attachment(s) | | | |
| Notice of References Cited (PTO-892) | 4) Interview Su | mmary (PTO-413) | |
| 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SPaper No(s)/Mail Date | | /Mail Date ormal Patent Application (PTO-152) - | |

Application/Control Number: 09/874,930

Art Unit: 2665

1. Claims 28-37, 68-73 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Page 2

Claims 28 and 29 are objected for failing to further limit the subject matter of a previous claim since each claim depends upon itself. Claims 30-37 are objected for depending on claims 28 and 29.

Claims 68 and 70 are objected for failing to further limit the subject matter of a previous claim since each method claim depends upon claim 61, which is an apparatus claim. Claims 69, 71-73 are objected for depending on claims 68 and 70.

Accordingly, the claims 28-37, 68-73 have not been further treated on the merits.

- 2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-27, 38-63, drawn to a system and method for analyzing compatibility of access terminals, classified in class 370, subclass 465.
 - II. Claims 64-67, drawn to a method of scheduling access terminals, classified in class 370, subclass 395.4.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as scheduling device. See MPEP § 806.05(d).

Application/Control Number: 09/874,930

Art Unit: 2665

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Page 3

- Applicant is advised that the reply to this requirement to be complete must include an 5. election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- Applicant is reminded that upon the cancellation of claims to a non-elected invention, the 6. inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 09/874,930

Art Unit: 2665

Page 4

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHH

Alpus H. Hsu Primary Examiner Art Unit 2665

Alfans VS. 2300